

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

GENESIS GLOBAL CAPITAL, LLC and
GEMINI TRUST COMPANY, LLC,

Defendants.

No. 23-cv-287 (ER)

**DECLARATION OF JOHN F. BAUGHMAN IN SUPPORT OF
DEFENDANT GEMINI TRUST COMPANY, LLC'S MOTION TO DISMISS**

John F. Baughman, an attorney duly admitted to the practice of law before the courts of New York and the Southern District of New York, declares pursuant to 28 U.S.C. § 1746:

1. I am a partner at JFB Legal, PLLC, counsel to Defendant Gemini Trust Company, LLC ("Gemini"), in the above-captioned action. I submit this declaration in support of Gemini's Motion to Dismiss the complaint pursuant to Federal Rule of Procedure 12(b)(6).

2. All statements herein are based on my personal knowledge, publicly filed records, and the records and documents contemporaneously made and regularly maintained and utilized in the ordinary course of business of my firm.

3. Attached as **Exhibit 1** is a true and correct copy of the Master Digital Asset Loan Agreement ("MDALA"), as referenced in the Complaint, dated December 23, 2022.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 26, 2023
New York, New York

By: /s/ John F. Baughman
John F. Baughman